

**CITY OF NEWBERG CITY COUNCIL MINUTES  
DECEMBER 20, 2010  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM  
401 EAST THIRD STREET**

An Executive Session was held during the Work Session prior to the meeting. Executive Session pursuant to ORS 192.660(2)(i) relating to performance review of the municipal judge. No decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

**Members**

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

**Staff**

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

**Others**

Present: Ernie Amundson, Jr., Bob Larson, Mike Gougler, and Pat Haight

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reminded everyone of holiday closures on Friday, December 24, 2010, Monday, December 27, 2010, and Friday, December 31, 2010.

**V. APPOINTMENTS**

1. Consider a motion appointing Ernie Amundson, Jr., and Bob Larson to the City of Newberg Budget Committee.

Mayor Andrews invited the nominees to the front to present themselves to Council.

**MOTION: Rierson/Witherspoon** to consent to the appointment, by the Mayor, of Ernie Amundson, Jr., and Bob Larson for two positions with terms expiring December 31, 2010, on the Newberg Budget Committee for new terms expiring December 31, 2013. (7 Yes/0 No) Motion carried.

2. Consider a motion appointing Mike Gougler, Chuck Zickefoose, and Demetri Tsohantaris to the City of Newberg Citizen Rate Review Committee.

Mayor Andrews invited the nominees to the table to speak with Council. Mike Gougler introduced himself and spoke briefly on his involvement in the community. Mr. Zickefoose and Mr. Tsohantaris were excused from the meeting because of family conflicts.

**MOTION: McKinney/Rierson** to consent to the appointment, by the Mayor, of Mike Gougler and Chuck Zickefoose for two positions with terms expiring December 31, 2010, on the Newberg Citizens Rate Review Committee for new terms expiring December 31, 2013, and appoint Demetri Tsohantaris to fill a vacant position with a term expiring December 31, 2011. (7 Yes/0 No) Motion carried.

## VI. PUBLIC COMMENTS

Ms. Pat Haight expressed her concerns for the lack of holiday decorations at the City Hall. She said she brought this matter to the attention of the mayor and city manager about getting some new lights put up, but it has not been done yet. She did not understand how there was no money in the budget to purchase four dollars worth of Christmas lights, but there was plenty of money to purchase the Baker Rock property and fund a city survey.

## VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2010-2916** accepting the annual audit report and financial statements for the fiscal year ending June 30, 2010.
2. Consider a motion approving **Resolution No. 2010-2925** accepting the canvass of votes for the November 2, 2010, Biennial General Election.
3. Consider a motion approving City Council Minutes for November 15, 2010.

**MOTION: Shelton/Bacon** approving the Consent Calendar including **Resolution No. 2010-2916** accepting the annual audit report and financial statements for the fiscal year ending June 30, 2010, as amended; **Resolution No. 2010-2925** accepting the canvass of votes for the November 2, 2010, Biennial General Election; and the **City Council Minutes** for November 15, 2010, as amended. (7 Yes/0 No) Motion carried.

## VIII. PUBLIC HEARINGS

Consider a motion approving **Order No. 2010-0030** amending the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 North Meridian Street.

TIME – 7:08 PM

Mayor Andrews introduced the item and reminded everyone the Council closed the record at the previous meeting with the intention of entering into deliberations only this evening. They entered into the quasi-judicial hearing deliberations by starting with the staff's final recommendations.

Mr. Barton Brierley, Planning and Building Director, mentioned there were editorials published in The Newberg Graphic as well as a letter to the editor, which were provided to Council; however, there was also another editorial printed over the weekend that has not yet been entered into the record. He recommended opening the record to address the ex parte contact before proceeding with the deliberations.

Councilor Stephen McKinney stated he also had a door hanger placed on his door regarding this matter and would like to declare this material as ex parte contact as well.

**MOTION: Rierson/Shelton** to open the record to include the ex parte contact material received in the form of editorials and a door hanger. (7 Yes/0 No) Motion carried.

Mr. Terrence Mahr, City Attorney, declared that once the material is accepted into the record the audience must be asked if there is anyone who would like to address the new evidence that just became a part of the record since they were not previously notified the record might be opened.

Mayor Andrews asked if there was anyone in the audience that wished to address the items added to the record.

Mr. Daniel Shepherd stated he was not privy to what the letter was, so it was hard for him to say yes or no. He said he has read the two articles/editorials, but not the letter to the editor. Staff provided a copy on the back table for anyone wishing to look at it.

Councilor Marc Shelton asked if Mayor Andrews would recess briefly for council members to review the new material as well. Mayor Andrews recessed at 7:15 PM and reconvened at 7:20 PM.

Mr. Mahr stated contact has been made with HAYC and some of the neighbors to see if they are willing to get together to see if there is a project that would be more acceptable for both sides. Both HAYC and the neighbors want to do this, so staff is asking Council for a postponement to the January 3, 2011, Council meeting giving an opportunity to see if a common ground can be reached before deliberations continue. He asked Council for some of their concerns so staff can take them to the meeting. He stated a limited use overlay can be put on the property to ensure conditions are followed.

**MOTION: Witherspoon/Shelton** to postpone the deliberations to the January 3, 2011, City Council meeting to allow for the citizens and HAYC to have a chance to meet. (7 Yes/0 No) Motion carried.

Mayor Andrews asked if this is not approved at R-3 and left as R-1, is there anything to prevent development as R-1 and access to the property off of Evergreen Drive. Mr. Brierley stated under the current zoning restrictions that is an open option, he is not saying it would be approved and it may be a requirement depending on the configuration of the proposed development.

Councilor Shelton asked if these will be city owned roads in R-1. Staff answered the most likely scenario as R-1 would be public streets with some connection to Evergreen Drive.

Councilor Wade Witherspoon asked what limitations the City has and what restrictions come into play when an overlay is applied to a situation like this. If the City cannot say this is mandated to exactly how we want it, then what can we impose; what are the limits, regulations, or criteria we use to say what can and cannot be done. Mr. Mahr replied that would be controlled by our code.

Mr. Brierley further explained that the development code does allow a limited use overlay to be placed on a property at the time of rezoning and it is intended to address peculiar circumstances of a particular property where you would not perhaps approve the rezoning as a standard zone without addressing some particular situation that would not apply to other properties in that zone. He said they should be looking at comprehensive plan goals and how a particular condition would be necessary to accomplish that goal, which would not be accomplished by approving it as a standard zone. There are limits by the constitutionality of the conditions, meaning a public facility cannot be required that is not proportional to the impacts of the property. He said a good gauge is if the applicant agrees to it then the condition can be imposed.

Councilor Bart Rierison thanked the audience members who came expecting a resolution this evening for their participation and assured them the Council takes this matter very seriously; he said they are not postponing deliberations to drag out the process, but to give all parties an opportunity to come to a consensus so the Council's decision can offer the best result for all involved.

Councilor Stephen McKinney asked staff if improvements are required for Evergreen Drive for the north and south, would there also be improvements included for Sierra Vista Drive. He felt an all encompassing overlay, for both drives would be a more suitable solution among the stakeholders. Staff replied this can be done and should be discussed in the context of being limited to what is proportional to impact of development, which may not permit placing a condition like that on the owner, but there may be a cooperative agreement among the property owners to have this occur congruently.

Councilor Shelton asked about available mechanisms to improve Sierra Vista Drive. Staff replied a Local Improvement District (LID) is available if agreed on by City Council and the owners. There are other mechanisms available, but they are challenging, like putting it into a city capital improvement program where funding is not always available.

Mayor Andrews stated the postponement is to get the best possible decision and thanked all who came this evening.

Mr. Mahr asked if there are others that need to be involved in the meetings to please let him know because they are not trying to exclude anyone.

## **IX. COUNCIL BUSINESS**

1. Update on the Solid Waste Franchise.

TIME – 7:35 PM

Mr. Mahr spoke of the City of Newberg and the City of Dundee getting together with Waste Management after the first of the year to see if an agreement can be reached regarding particular concerns like the desire for curbside glass and oil pick-up, continuing with garbage service for the City at no charge, and the 3% franchise fee being increased. He will provide an update after the first of January.

2. Discussion on the Chehalem Valley Visitor Center Contract.

TIME – 7:38 PM

Mr. Danicic addressed the draft version of the contract with the Chehalem Valley Chamber of Commerce in their packet and asked for any concerns from Council. Discussions followed about items previously spoken of that were omitted from the draft version and needed to be included, like limiting the City contribution to no more than 50% of the Chamber's budget and the Chamber's matching funds being no less than they are currently. It was determined the contract would be reviewed annually and could be terminated if conditions were not met.

3. Discussion on the Mission Statement & Vision Statement.

TIME – 7:56 PM

Mr. Danicic presented the Mission Statement as taken down by staff from the December 6, 2010, Council Work Session meeting and asked for Council recommendations to change or approve it.

**MOTION: Rierson/Bacon** to adopt the final recommendation from staff that “The City of Newberg serves its citizens, promotes safety, and maintains a healthy community” as the City’s Mission Statement. (7 Yes/0 No)  
Motion carried.

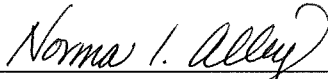
Councilor Denise Bacon stated she was uncomfortable when citizens speak out against staff in an offensive manner and spoke of the rules of conduct stating comments are to be addressed to Council not staff. Discussions followed as to what should and should not be allowed without imposing on first amendments rights

of speech and possible solutions for limiting who is addressed during the meetings. Others suggested taking opportunities to offer praise and accomplishments as a positive reaction to offensive or derogatory comments by the public towards staff.

**X. ADJOURNMENT**

The meeting adjourned at 8:23 PM.

**ADOPTED** by the Newberg City Council this 18<sup>th</sup> day of January, 2011.

  
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Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 20<sup>th</sup> day of January, 2011.

  
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Bob Andrews, Mayor